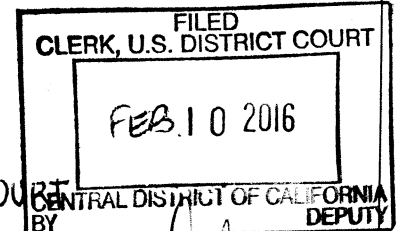


Enrique S. SANCHEZ
 AN9741 C.I.M.
 P.O. Box 600
 CHINO, California 91708



IN THE UNITED STATES DISTRICT COURT
 FOR THE CENTRAL DISTRICT OF CALIFORNIA
 SOUTHERN DIVISION

ENRIQUE SALINAS SANCHEZ,
 Plaintiff,

v.

KIMBERLY A. SEIBEL, et al.,
 Defendants.

Case No. EDCV 15-01901 R-(DFM)

PLAINTIFF'S EX-PARTE APPLICATION
 FOR EXTENSION OF TIME TO FILE
 OPPOSITION BRIEF TO DEFENDANTS'
 MOTION TO DISMISS, AND ANSWER
 TO COMPLAINT; MEMORANDUM OF
 POINTS AND AUTHORITIES;
 DECLARATION IN SUPPORT THEREOF

Judge: HONORABLE

DOUGLAS F. MCCORMICK

Trial: NONE

APPLICATION

Plaintiff respectfully apply *EX-PARTE* for a thirty day enlargement of time to file an opposition brief to Defendants L. Adams, J. Covarrubias, O. Marciano and K. Seibel Motion to Dismiss Plaintiff's Complaint, and an opposition brief to Defendant Howard Tung's Answer to Complaint, from the present due time of February 5, 2016 up to and indicated March 7, 2016.

Plaintiff makes this application under Fed. R. Civ. P. 6(b) on the grounds that there is a good cause for enlarging time, in that Plaintiff has had insufficient time to do legal research, and draft and complete an Opposition Brief. An extension is required in this matter for the reasons set forth in the attached declaration.

Date: February 3, 2016

Respectfully Submitted

Enrique Sanchez

MEMORANDUM OF POINTS AND AUTHORITIES

Rule 6(b) of the Federal Rules of Civil Procedure authorizes a Court to enlarge the time within which a party may do any required by the rules. If a request for enlargement of time is made by ex-parte application *Id.*

Plaintiff's accompanying declaration establishes that he has had insufficient time to complete the task of drafting an Opposition Brief by current deadline due to Plaintiff's Prison Work Assignments schedules merging with the prison's library schedule. Plaintiff's prison work assignment limits the access to law-library, which is located inside the prison's library. Furthermore, Plaintiff's Complaint includes a Physician who is not a CDCR employee, and Plaintiff is also requesting enlargement of time to respond to Defendant Howard Tung's Answer to Complaint.

An enlargement of time from February 5, 2016 to March 7, 2016 should be granted for Plaintiff to file an Opposition Brief to Defendants' Motion to Dismiss, and the Answer to Complaint.

Dated: February 3, 2016

Respectfully Submitted

Enrique Sanchez

DECLARATION OF ENRIQUE S. SANCHEZ

I, Enrique S. Sanchez, hereby declare and state:

1.) I am the Plaintiff in PRD-SE in this case.

2.) I respectfully request this Honorable Court for a thirty day extension of time in which to file an Opposition Brief to Defendants' Motion to Dismiss; and Answer to Complaint. This extension of time will allow Plaintiff as PRD-SE to request time off from inmate assignments, and seek legal research to properly file and serve an Opposition Brief by March 7, 2016. I have not yet applied for an extension of time to file an Opposition.

3.) This Application includes a thirty day enlargement of time to file an Opposition Brief to Defendant Howard Tung's Answer to Complaint who is part of Plaintiff's Complaint, but not employed by CDCR.

3.) Plaintiff is requesting thirty days extension for the following reasons: (1) The Motion to Dismiss from Defendants represented by Kamala D. Harris, Attorney General, and Leena M. Sheet, Deputy Attorney General; and Answer to Complaint by Defendant Howard Tung, represented by Natalie J. Buccini are complex, and Plaintiff's lack of knowledge of law requires a substantial amount of research to fully and properly draft an opposition brief. (2) Plaintiff's work assignments are inevitable unless otherwise righteously excused, or face administrative measures as fit by the Department. Plaintiff's work assignments schedule have the same schedule as the library working hours, it is difficult to be excused from assignment

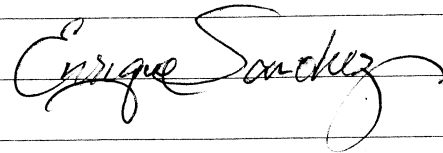
1 unless aproved by the Teacher/Supervisor. Plaintiffs. only
2 access to library is one night a week, for the period of
3 two hours. Moreover, Plaintiff has submitted a request
4 for CDCR Classification Committee for Consideration of
5 Change of assignment. Copies of Plaintiffs Assignments
6 schedule, and library schedule; And copy of CDCR Tit. 15 Sec.
7 3040 Participation, are attached herewith.

8 4.) To the best of my knowledge, a Thirty day delay in filing
9 an Opposition Brief to Defendants' Motions will not materially
10 prejudice these Defendants.

11 5.) A notice of this ex-parte application will be sent to all
12 Defendants' Attorneys.

13
14 6.) I declare that the foregoing is true and correct under
15 penalty of perjury under the laws of the United States.
16 Executed on February 3, 2016 at Chino, California.

17 Respectfully Submitted

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Critical Condition

You do not have the authority to update this type of assignment.

Name: SANCHEZ, ENRIQUE S.

CDC #: AN9741 PID #: 11481164

IIPS010B

Inmate Assignment

Tuesday January 26, 2016 09:58:23 AM

Assigned Date: 12/12/2015

Assigned Time: 01:01:01

Facility: CIM-Facility D [CIM-D]

Assignment Category: Education

Assignment Type: A02

Assignment Title: Adult Basic Education II

Section #: 005 - ADULT ED 2 FAC D 5

Position #: 008

Position Title: ADULT BASIC ED. 2 STUDENT

Type of Time: Half-Time

Tentative End Date:

Supv/Facilitator/Teacher #1: Chilver, Charles

#2:

#3:

Assignment Authorized By: Smith, Michelle

Override Reason: Education Recommendation

Pay Grade: No Pay

Pay Scale: Not Eligible for State Pay

Assignment Status: Assigned

As of Date: 12/12/2015

Position Assigned Schedule (1 - 1 of 1)

Days of Week	Period #	Start Time	End Time
Monday through Friday		08:00:00	11:00:00

Education Profile

TABE Reading Level: 06.2

TABE Math Level: 06.9

GED/HSED Completion: No

Title I: No

CA Student #:

Employment Problems: 100 - High

Education Problems: 100 - High

Comments

TimeStamp: 11 December 2015 09:55:59 --- User: Michelle Smith (SMMI006)

Attendance (1 - 2 of 2)

Year	Month	Total Hours Present (X)	Pay Rate	Total Hours Unable to Attend (S)	Total Hours Excused Absence (E)	Total Hours Unexcused Absence (A)	Total Hours for Month
<u>2015</u>	12	6.00	\$ 0.00	6.00	0.00	0.00	12.00
<u>2016</u>	01	30.00	\$ 0.00	0.00	9.00	6.00	45.00

Related Course Transcripts

Year	School	Course #	Course Title	Grade Level	Credits Earned	Grade Received
No Rows Found						

Related Standardized Test Scores (1 - 1 of 1)

Date Taken	Test Type	Subtype	Level	Scores
<u>12/10/2015</u>	CASAS		Not Applicable	Reading-187R:234; Math-037M:221

You do not have the authority to update this type of assignment.

CDC #: AN9741 PID #: 11481164

Tuesday January 26, 2016 09:59:28 AM

As of Date: 11/25/2015

1/26/2016

FACILITY ‘D’ LIBRARY

Monday – Evening

12:30 to 3:00 pm & 6 to 8 pm

Tuesday, Wednesday & Thursday

8:30—11:15 am & 12:30—3:00 pm

Friday – Closed

***SCHEDULE SUBJECT TO CHANGE WITHOUT
NOTICE**

§ 3032

DEPARTMENT OF CORRECTIONS AND REHABILITATION

3032. Alteration of Clothing.

(a) Inmates shall not alter or dispose of damaged or worn out personal or state-issued clothing or linen in any manner without specific authority to do so. If the regular issue of clothing or linen does not meet an inmate's special physical/health needs, the chief medical officer may authorize a special issue to that inmate based upon a medical necessity as defined in section 3350(b)(1). Upon staff verification, a state-issued item, which is lost or damaged through no fault of the inmate, shall be replaced without charge to the inmate.

(b) An inmate shall not alter personally owned clothing in any manner that would change its characteristics or style from that originally approved by the institution head.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. Renumbering and amendment of former subsection 3032(a) to 3030(b), and former 3032(b) to 3030(c), and rennumbering and amendment of former section 3033 to 3032 filed 7-9-92; operative 8-10-92 (Register 92, No. 28).
2. Amendment of subsection (a) filed 2-17-95 as an emergency; operative 3-1-95 (Register 95, No. 9). This regulatory action was deemed an emergency pursuant to section 5058(e) of the Penal Code and remains in effect for 160 days. A Certificate of Compliance must be transmitted to OAL by 8-8-95 or emergency language will be repealed by operation of law on the following day.
3. Amendment of subsection (a) refiled 8-7-95 as an emergency; operative 8-7-95 (Register 95, No. 32). This regulatory action was deemed an emergency pursuant to section 5058(e) of the Penal Code and remains in effect for 160 days. A Certificate of Compliance must be transmitted to OAL by 1-16-96 or emergency language will be repealed by operation of law on the following day.
4. Reinstatement of section as it existed prior to emergency amendment filed 2-17-95 by operation of Government Code section 11346.1(f) (Register 96, No. 8).
5. Amendment of subsection (a) filed 2-21-96 as an emergency; operative 2-21-96 (Register 96, No. 8). A Certificate of Compliance must be transmitted to OAL by 6-20-96 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 2-21-96 order including amendment of subsection (a) transmitted to OAL 6-18-96 and filed 7-9-96 (Register 96, No. 28).

3033. Alteration.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. Editorial correction of printing error (Register 92, No. 5).
2. Renumbering of former section 3033 to 3032 filed 7-9-92; operative 8-10-92 (Register 92, No. 28).

Article 3. Work and Education**3040. Participation.**

(a) Every able-bodied person committed to the custody of the Secretary of the Department of Corrections and Rehabilitation is obligated to work as assigned by department staff and by personnel of other agencies to whom the inmate's custody and supervision may be delegated. Assignment may be up to a full day of work, education, other programs, or a combination of work, education, or other programs.

(b) Inmates assigned to a physical fitness program as part of a work incentive program shall be held to the same obligations/participation requirements governing other Career Technical Education programs, educational, work assignments, or other programs.

(c) Except as provided in section 3040(e), a classification committee shall assign each inmate to an appropriate work, education,

vocation, therapeutic or other institution program count the:

- (1) Inmate's expressed desires and needs.
- (2) Inmate's eligibility for and availability of program activity.
- (3) Institution's security and operational needs.
- (4) Safekeeping of the inmate.
- (5) Safety of persons and the general public.
- (d) Despite an inmate's assignment to a program upon in a classification committee hearing, or pending, or pending assignment to a designated program period when the designated program is temporary in the absence of the inmate's agreement to participate, any able-bodied inmate may be assigned work deemed necessary to maintain and operate its services in a clean, safe and efficient manner, may always override a program assignment.

(e) Inmates assigned to clerical duties and other requiring an extensive amount of staff/inmate interaction, clerks and teachers' aides, shall be rotated at other positions within the institution even though in lower pay, or no pay at all, to the inmate being in position. The institution head shall determine the based upon security needs of the institution. As positions shall not exceed a two-year period. Rotation not affect the inmates' work/training group design may divest the inmate of a paid position.

(f) Any staff request for removal of an inmate shall be submitted to the inmate's correctional officer General Chrono Form. The counselor shall refer classification committee for consideration and is for cause, defined as behavior that would result in participation credit pursuant to section 3043.2(a), temporarily relieved of the position and denied (tion), pending classification committee action.

(g) Work assignments, in lieu of enrollment in education, Career Technical Education program, Behavioral Treatment and Transitions programs, or institution program assignments, may be made the inmate's consent by a classification committee designated as an inmate assignment lieutenant member responsible for the supervision of an inmate.

(h) Inmates who have a history of computer including documented institutional disciplinary computer fraud or abuse, shall not be placed in a program that provides access to a computer, or release which provides access to the internet.

(i) A job description shall be developed for training position, establishing the minimum standards for able participation and performance and the potential of failure or refusal to meet the standards. The copy of the job description, indicating acceptance of employment, and shall receive a copy.

(j) The allocation of paid inmate work/training an institution-specific basis shall be made by the pay committee. Each institution shall administer a program consistent with the budget allotted for staff directed and in accordance with section 3380, institutional inmate pay committees shall administer wage matters subject to these regulations.

(k) An inmate's assignment to a paid position dependent on available funding, job performance conduct. These factors shall be criteria considered an inmate's eligibility for pay earning status a

CALIFORNIA INSTITUTION FOR MEN
PROOF OF SERVICE BY MAIL
(C.C.P. §1013a, §2015.5, Fed.R.Civ.P. 5, 28 U.S.C. 1746)

(A) In re: Sanchez v. Seibel, et al.

Case # EDCV15-01901R-(DFM)

I am over the age of eighteen years, a citizen of the United States, a resident of the State of California, and not a party to the within action. My mailing address is: P.O. BOX 600 CHINO, CA 91708.

On the following date: (B) February 3, 2016, I served the following document(s): (C)

" Plaintiff's EX-PARTE Application for extension of time to file Opposition Brief to Defendants' Motion to Dismiss; and Answer to Complaint; Memorandum of Points and Authorities; Declaration in Support thereof. "

On the interested parties in this action by placing true copies thereof, enclosed in sealed envelopes, addressed as follows to the following parties: (D)

Kamala D. Harris / Attorney General and Carroll, Kelly, Trotter, Franzen,
Leena M. Sheet / Deputy Attorney General McKenna, and Peabody
300 South Spring Street, Suite 1702 225 Broadway, Suite 1575
Los Angeles, Ca 90013 San Diego, Ca 92101

I am readily familiar with the normal business practices for collection and processing of correspondence and other materials for mailing with the United States Postal Service. On the same day that correspondence is placed for collection and mailing, in a sealed envelope with postage fully prepaid, it is deposited in a box so provided at the correctional institution in which I am presently confined.

I certify (or declare) under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

(E) Name: Enrique S. Sanchez CDCR#: AN9741

Signed: Enrique Sanchez Dated: February 3, 2016

CIM MAILROOM ACKNOWLEDGEMENT OF MAILING

DATED: _____ STAFF: _____

SIGNED _____

U.S. District Court
Southern District of California
FEB 10 2016

P.O. Box 600
Chino, California 91708

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SOUTHERN DISTRICT OF CALIFORNIA
FEB 10 2016
BY
CENTRAL DISTRICT OF CALIFORNIA

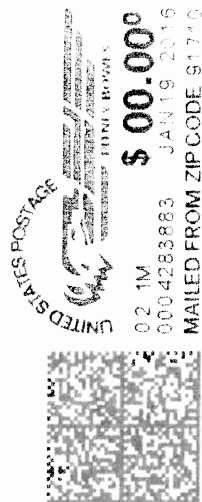
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CENTRAL DISTRICT OF CALIFORNIA

OFFICE OF THE CLERK
411 West Fourth Street Suite 1053
Santa Ana California 92702-4797



02/03/16
Jt. V